

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ALL PREMIUM CONTRACTORS INC.,
Plaintiff,
-against-
SUNLIGHT FINANCIAL LLC,
Defendant.

Case No. 1:23-cv-05059 (JLR)

ORDER

JENNIFER L. ROCHON, United States District Judge:

On October 19, 2023, the Court granted Defendant's motion to compel arbitration and stayed this action so that the parties could move to arbitration. Dkt. 26. On November 1, 2023, Defendant filed a suggestion of bankruptcy and automatic stay of proceedings per section 362(a) of the Bankruptcy Code. Dkt. 27.

On April 19, 2024, Defendant filed a letter informing the Court that the Bankruptcy Court had issued an Order Approving Disclosure Statement and Confirming Prepackaged Chapter 11 Plan of Reorganization of Defendant and its affiliated debtors. Dkt. 28. Accordingly, the automatic stay of proceedings per section 362(a) of the Bankruptcy Code was terminated. *Id.* On April 22, 2024, the Court issue an order stating that in light of the lifting of the bankruptcy stay, the Court "presume[d] the parties will now move to arbitration." Dkt. 29. The Court also ordered the parties to provide another joint status update no later than August 22, 2024. *Id.*

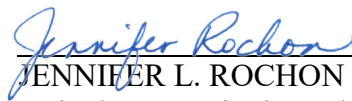
On August 22, 2024, Defendant filed a status update stating that Plaintiff had not yet commenced arbitration proceedings. Dkt. 30. Accordingly, on August 26, 2024, the Court explained again that it expected the parties to move to arbitration, and warned Plaintiff "that if it does not prosecute its claims, the Court may dismiss this case for failure to prosecute." Dkt. 31. The Court also ordered the parties to provide another joint status update no later than

October 1, 2024. Dkt 31. On October 1, 2024, Defendant filed a status update stating that Plaintiff still had not yet commenced arbitration proceedings. Dkt. 32.

The Court now warns Plaintiff that if it does not prosecute its claims by commencing arbitration proceedings by November 4, 2024, the Court will dismiss this case for failure to prosecute. *See e.g., Garnes v. Pritchard Industries, Inc.*, No. 20-cv-03843 (PAE), 2024 WL 1929157 (S.D.N.Y. May 4, 2024) (dismissing case for failure to prosecute when plaintiff had been ordered to arbitrate his claims). The parties shall provide another joint status update no later than November 6, 2024.

Dated: October 2, 2024
New York, New York

SO ORDERED.


JENNIFER L. ROCHON
United States District Judge